

1 ROCIO MELGAREJO
2 18410 CANTARA ST UNIT 1
3 RESEDA CA 91335

4 Debtor-Defendant In Pro Per

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6
7 UNITED STATES BANKRUPTCY COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9

10 In Re

11 ROCIO MELGAREJO

12 Debtor.

13
14 ROCIO MELGAREJO, *et al.*,

15
16 Plaintiff,

17 v.

18 HVH INC, A CALIFORNIA
19 CORPORATION,

20 Defendant.
21

Case No. 17-10932-MB
Chapter 7
Adv. No. _____

NOTICE OF REMOVAL OF LAWSUIT
PENDING IN STATE COURT TO
BANKRUPTCY COURT (28 USC § 1452)
AND COMPLAINT FOR QUIET TITLE

22 TO DEFENDANT HVH INC, A CALIFORNIA CORPORATION, AND TO THE
23 SUPERIOR COURT OF CALIFORNIA:

24 RÓCIO MELGAREJO, Debtor and Plaintiff, hereby removes the lawsuit entitled
25 HVH INC, A CALIFORNIA CORPORATION v ROCIO MELGAREJO et al., Case No.
26 17B00467 (the "Action") formerly pending in the Superior Court of California in and for the
27 County of Los Angeles, 6230 SYLMAR AVE, VAN NIYS CA 91401 to the United States
28 Bankruptcy court for the Central District of California, Los Angeles Division, pursuant to 28

1 USC § 1452(a) and FRBP 9027(a), and hereby gives notice of such removal to each of the
2 following:

- 3 1. Former Court: Superior Court of California in and for the County of Los Angeles,
4 6230 SYLMAR AVE, VAN NIYS CA 91401.
- 5 2. Counsel for Plaintiff: Edessa L George, SBN 134587, 263 W Olive Ave #200,
6 Burbank CA 91502.

7 Removal of the Action is based upon the following facts:

- 8 1. On February 3, 2017, Plaintiff HVH INC, A CALIFORNIA CORPORATION
9 (hereinafter "HVH") filed a civil action against Defendant and Debtor ROCIO
10 MELGAREJO, et al entitled HVH INC, A CALIFORNIA CORPORATION v.
11 ROCIO MELGAREJO, et al., Case No. 17B00467 in the Superior Court of
12 California in and for the County of Los Angeles.
- 13 2. In the Action, HVH sues for unlawful detainer as more fully set forth in the copy
14 of the Complaint attached hereto as Exhibit "1." The Action arises out of the
15 claims of HVH that it became the lawful owner of certain real property occupied
16 by Debtor MELGAREJO after a foreclosure auction.
- 17 3. The Action is not a proceeding before the United States Tax Court.
- 18 4. The Action is not a civil action by a governmental unit to enforce its police or
19 regulatory power.
- 20 5. The Action was formerly pending in the Superior Court of California in and for the
21 County of Los Angeles.
- 22 6. On April 10, 2017, Debtor MELGAREJO filed a petition for relief in the United
23 States Bankruptcy Court, Central District, under Chapter 7 of the United States
24 Bankruptcy Code, which is currently pending.
- 25 7. By the Action, Plaintiff sues Debtor to evict Debtor from the real property
26 notwithstanding that Plaintiff failed to honor Debtor's rights to honor my lease per
27 "President Obama and Congress' Helping Families Save Their Home -Protecting
28 Tenants at Foreclosure" Act of 2009.

1 8. The Action is therefore a core proceeding within the meaning of 28 USC §§ 157
2 and 1334. However, if the matter is deemed noncore, Debtor MELGAREJO
3 consents to entry of a final order in the Action by a bankruptcy judge.

4 9. This Court has jurisdiction over the Action pursuant to 28 USC § 1334(b).

5 10. Removal of the Action to this Court is proper pursuant to 28 USC § 1452(a) and
6 FRBP 9027.

7 11. Venue for the Action is proper in this Court under 28 USC § 1452(a), because this
8 Court is the Bankruptcy Court located in the District where the non-bankruptcy
9 court where the Action that was formerly pending was located.

10 12. Attached hereto as Exhibits "1" through "6" are true and correct copies of all
11 pleadings filed in the Action prior to removal, as follows:

12 Exhibit "1": Summons and Complaint, L.A.S.C. Case No. 17B00467

13 Exhibit "2": Answer, L.A.S.C. Case No. 17B00467

14 Exhibit "3": Notice of Filing of Bankruptcy Petition
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20 I declare under penalty of perjury under the laws of the United States that the
21 foregoing is true and correct. Executed this 10th Day of April, 2017.

22
23 DATED: April 10, 2017

24 
ROCIO MELGAREJO

VENUE AND JURISDICTION

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2
3 1. Venue is proper in this county, district and courthouse because (a) the causes
4 of action alleged herein concern real property that is located within the Central District of
5 California and involves the performance of a contract related to that real property, (b)
6 performance is of that Contract is to occur in the Central District of California.

7 2. Jurisdiction is proper under The 28 USC 1452(a) and 28 USC § 1334.

8
9 DATED: April 10, 2017


ROCIO MELGAREJO

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

The undersigned declares as follows:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows: 4718 Crenshaw Blvd., Los Angeles, California 90043.

On April 10, 2017, I served the foregoing document described as follows:

**NOTICE OF REMOVAL OF LAWSUIT PENDING IN STATE COURT TO
BANKRUPTCY COURT (28 USC § 1452)**

on the following persons:

HVH INC, A CALIFORNIA CORPORATION
c/o EDESSA L GEORGE ESQ SBN 134587
263 W OLIVE AVE #200
BURBANK CA 91502

☐ BY FACSIMILE. I transmitted the attached document via facsimile, after which the machine used to transmit the document produced a confirmation sheet indicating that the transmission successfully transmitted all pages of the document to the telephone number(s) listed next to the person(s) identified above and on the attached service list, if any.

☒ As to each person I accomplished such service by placing a true and correct copy of the original in an envelope, sealing it and then addressing it to said person at the aforementioned address.

☒ BY MAIL. I deposited such envelope(s) in the mail at Los Angeles, California with necessary postage pre-paid thereon. Pursuant to Code of Civil Procedure §1013(b), the copy of the notice or other paper served by mail bears a notation of the date and place of mailing and is accompanied by an unsigned copy of this proof of service.

☐ BY PERSONAL SERVICE. I delivered such envelope to the hands, home or office of the addressee.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that it was executed on the above-noted date at Los Angeles, California.

Declarant 


FORM B104 (08/07)

2007 USBC, Central District of California

ADVERSARY PROCEEDING COVER SHEET (Instructions on Page 2)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS ROCIO MELGAREJO	DEFENDANTS HVH INC, A CALIFORNIA CORPORATION	
ATTORNEYS (Firm Name, Address, and Telephone No.) IN PRO PER 18410 CANTARA ST UNIT 1 RESEDA CA 91335	ATTORNEYS (If Known) EDESSA L GEORGE ESQ SBN 134587 263 W OLIVE AVE #200 BURBANK CA 91502	
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) QUIET TITLE -- Debtor seeks a determination that she should not have been divested of title to her real property due to Creditor's failure to abide by State law, common law and federal law		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input checked="" type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input checked="" type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input checked="" type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$ 25,000 +	
Other Relief Sought		

FORM B104 (08/07), page 2

2007 USBC, Central District of California

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR ROCIO MELGAREJO		BANKRUPTCY CASE NO.
DISTRICT IN WHICH CASE IS PENDING CENTRAL	DIVISIONAL OFFICE LOS ANGELES	NAME OF JUDGE
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF N/A	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE 4/10/17	PRINT NAME OF ATTORNEY (OR PLAINTIFF) ROCIO MELGAREJO	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not presented by an attorney, the plaintiff must sign.